



Entered on Docket
August 07, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

Marc A. Levinson (California Bar No. 57613)
Jeffery D. Hermann (California Bar No. 90445)
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814-4497
Telephone: (916) 447-9200
Facsimile: (916) 329-4900
Email: malevinson@orrick.com;
jhermann@orrick.com

Bob L. Olson (Nevada Bar No. 3783)
Anne M. Loraditch (Nevada Bar No. 8164)
BECKLEY SINGLETON, CHARTERED
530 Las Vegas Boulevard South
Las Vegas, NV 89101
Telephone: (702) 385-3373
Facsimile: (702) 385-5024
Email: bolson@beckleylaw.com;
aloraditch@beckleylaw.com

Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER SUSTAINING OMNIBUS
OBJECTION OF POST-EFFECTIVE
DATE USA CAPITAL DIVERSIFIED
TRUST DEED FUND, LLC, TO
PROOFS OF INTEREST**

Hearing Date: July 27, 2007
Hearing Time: 9:30 a.m.
Hearing Place: Courtroom 1

The Court, having considered the Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC To Proofs of Interest (the "Objection"), the Responses to the Objection filed by (i) Herman M. Adams, Esq., Brian M. Adams, Esq. and Anthony G. Adams, jointly *pro se*, and (ii) Margaret B. McGimsey Trust, Bruce McGimsey, Sharon McGimsey, Jerry McGimsey and Johnny Clark, and Diversified's subsequent Reply briefs; having reviewed the pleadings, papers and records on file in this action; and having considered the representations of counsel, Anne M. Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC ("Diversified"); with other appearances being noted on the record, appropriate notice of the Objection given, and for good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained.

IT IS FURTHER ORDERED that the interests listed on Exhibit 1, attached hereto and made a part hereof, shall be treated in accordance with the disposition detailed on Exhibit 1 with respect to such interests.

PREPARED AND RESPECTFULLY SUBMITTED BY:

BECKLEY SINGLETON, CHTD.

By /s/ Anne M. Loraditch

BOB L. OLSON, ESQ.

Nevada Bar No. 3859

ANNE M. LORADITCH, ESQ.

Nevada Bar No. 8164

530 Las Vegas Boulevard South

Las Vegas, Nevada 89101

and

ORRICK, HERRINGTON & SUTCLIFFE LLP

Marc A. Levinson (California Bar No. 57613)

Rachel Ragni (California Bar No. 214061)

400 Capitol Mall, Suite 3000

Sacramento, California 95814-4497

*Attorneys for Post-Effective Date USA Capital
Diversified Trust Deed Fund, LLC*

1 **APPROVED**/DISAPPROVED:

2 **HERMAN M. ADAMS, ESQ.**
3 **BRIAN M. ADAMS, ESQ.**
4 **ANTHONY G. ADAMS**

5 By /s/ Brian M. Adams
6 BRIAN M. ADAMS, ESQ.
7 1341 Cashman Drive
8 Las Vegas, Nevada 89102
9 Telephone: (702) 384-9275

10 *Jointly Pro Se*

11 **APPROVED**/DISAPPROVED:

12 By /s/ George D. Frame
13 GEORGE D. FRAME, ESQ.
14 601 Greenway Road, Suite D
15 Henderson, Nevada 89015
16 Telephone: (702) 598-4620

17 *Pro Se*

APPROVED/DISAPPROVED:

MCGIMSEY LAW OFFICE, P.C.

By /s/ William L. McGimsey
WILLIAM L. MCGIMSEY, ESQ.
Nevada Bar No. 0546
516 South Sixth Street, Suite 300
Las Vegas, Nevada 89101
Telephone: (702) 382-9948

*Attorneys for Margaret B. McGimsey Trust,
Bruce McGimsey, Jerry McGimsey, Sharon
McGimsey and Johnny Clark*

APPROVED/DISAPPROVED:

**OFFICE OF THE UNITED STATES
TRUSTEE**

By /s/ August B. Landis
AUGUST B. LANDIS
300 Las Vegas Boulevard, Suite 4300
Las Vegas, Nevada 89101

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☒ approved the form of this order; and/or
- ☐ waived the right to review the order; and/or
- ☐ failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
- n/a
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

BECKLEY SINGLETON, CHARTERED

By: /s/ Anne M. Loraditch
Anne M. Loraditch (Nevada Bar No. 8164)
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101

EXHIBIT 1

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
128	Brian M. Adams	13571	11/10/06	\$325,000	\$312,307.60	Interest disallowed to the extent it exceeds \$312,307.60, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
194	Philip Benjamin	10038	01/13/07	\$29,632.19	\$29,632.19	Interest disallowed in its entirety as duplicative of interest no. 193 already filed in the Diversified case.
035	Ramona Bigelow	16949	09/28/06	\$26,240.83	\$26,240.83	Interest disallowed in its entirety as duplicative of interest no. 16 already filed in the Diversified case.
149	Johnny Clark	3190	11/13/06	\$99,467.90	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
166	Johnny Clark	9590	11/13/06	\$99,467.90	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records
067	Joseph Deuerling	6953	10/20/06	\$240,236.61	\$240,236.61	Interest disallowed in its entirety as duplicative of interest no. 47 already filed in the Diversified case.
185	Allan Ebbin	14505	11/10/06	\$159,582.17	\$159,582.17	Interest disallowed in its entirety as duplicative of interest no. 182 already filed in the Diversified case.
181	George D. Frame	16149	11/09/06	\$51,920.28	\$51,920.28	Interest disallowed in its entirety as duplicative of interest no. 82 already filed in the Diversified case.
081	Courtney Fuhrman	3990	11/09/06	\$48,047.32	\$48,047.32	Interest disallowed in its entirety as duplicative of interest no. 61 already filed in the Diversified case.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
129	Gary Michelsen	11005	11/10/06	\$58,667.14	\$58,667.14	Interest disallowed in its entirety as duplicative of interest no. 113 already filed in the Diversified case.
161	Gary Michelsen	11005	11/10/06	\$58,667.14	\$58,667.14	Interest disallowed in its entirety as duplicative of interest no. 113 already filed in the Diversified case.
121	Brian Herman & Anthony G. Adams	4349	11/08/06	\$3,625,000	\$3,483,430.96	Interest disallowed to the extent it exceeds \$3,483,430.96, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records
195	Prescia Investments	18705	01/16/07	\$379,924.09	\$379,924.09	Interest disallowed in its entirety as duplicative of interest no. 13 already filed in the Diversified case.
151	John E. Michelsen	12005	11/13/06	\$444,137.48	\$444,137.48	Interest disallowed in its entirety as duplicative of interest no. 131 already filed in the Diversified case.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
077	Rex McBride	3616	10/12/06	\$50,000.00	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records
165	Bruce McGimsey	9316	11/13/06	\$86,171.22	\$86,171.22	Interest disallowed in its entirety as duplicative of interest no. 144 already filed in the Diversified case.
145	Margaret McGimsey	5584	11/13/06	\$96,094.75	\$96,094.75	Interest disallowed in its entirety as duplicative of interest no. 117 already filed in the Diversified case.
168	Margaret McGimsey	5584	11/13/06	\$96,094.75	\$96,094.75	Interest disallowed in its entirety as duplicative of interest no. 117 already filed in the Diversified case.
148	Sharon McGimsey	8362	11/13/06	\$311,091.58	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
167	Sharon McGimsey	8362	11/13/06	\$311,091.58	\$48,047.32	Interest disallowed in its entirety as duplicative of interest no. 148 already filed in the Diversified case.

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